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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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12 RHONDA M. GARCIA,

13 Plaintiff,

2:04-cv-01478-GEB-PAN

14 vs.

15 JO ANNE B. BARNHART,  
16 Commissioner of Social  
Security,

ORDER

17 Defendant.  
18 \_\_\_\_\_/

19 This matter is before the court on plaintiff's motion for  
20 judgment and defendant's cross-motion for judgment. These motions  
21 were referred to the Honorable Peter A. Nowinski, United States  
22 Magistrate Judge, pursuant to 28 U.S.C. §§ 636, et seq., and Local  
23 Rule 72-302. On May 26, 2005, Judge Nowinski filed findings and  
24 recommendation which were served on all parties and objections were  
25 to be filed within ten days after service. Neither party has filed  
26 objections to the findings and recommendation.

1           The court has reviewed the file and finds the findings  
2 and recommendation to be supported by the record and by the  
3 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED  
4 that:

5           1. The Findings and Recommendation filed May 26, 2005,  
6 are adopted in full;

7           2. Plaintiff's motion for summary judgment is granted  
8 and this matter is reversed with instructions to award benefits;  
9 and

10          3. Defendant's cross-motion for summary judgment is  
11 denied.

12 Dated: September 14, 2005

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14                               /s/ Garland E. Burrell, Jr.  
15                               GARLAND E. BURRELL, JR.  
16                               United States District Judge  
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